

BEFORE THE IOWA  
ETHICS AND CAMPAIGN DISCLOSURE BOARD  
Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:	)	
	)	Case No <u>2008 IECDB O6</u>
	)	
JEREMY DAVIS,	)	
In His Capacity as the Candidate for	)	PROPOSED DECISION and Iowans
for Davis for Council	)	ORDER OF THE PRESIDING
RESPONDENT.	)	OFFICER

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A hearing was held on July 1, 2008. The Board's legal counsel, Charles Smithson, and the Respondent, Jeremy Davis, were present by telephone. Mr. Smithson disclosed his friendship with the Respondent and withheld both adversarial and supportive commentary on the facts and issues presented. The hearing was to determine if the Respondent violated Iowa Code Sections 68A.402 and 68B.32A(7) by failing to timely file his January 7, 2007 campaign financial disclosure report.

The parties and counsel agreed to proceed informally. The Respondent admitted that there was, in fact, a violation of Iowa Code Sections 68A.402 and 68B.32A(7). Respondent explained the difficulties associated with the period of time shortly before the filing deadline, including his father's accident and the need to assist his mother at the farming operation while his father was, and still is laid up. The Respondent did not include many of these details in his initial waiver request to the Board. The Board historically is very deliberative in processing the waiver requests and serious family health issues are considered as extenuating circumstances which warrant the waiver or reduction of a civil penalty. In this case the lateness of his required report is to be excused. It is noted that there was no significant activity during the reporting period and the report was, in fact, filed in February 2008. Based on the evidence presented and the discussion at the hearing, the undersigned makes the following findings:

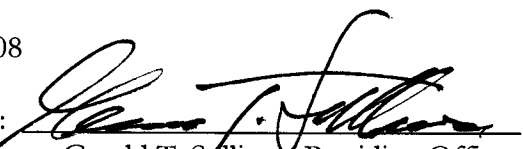
1. Respondent violated Iowa Code Sections 68A.402 and 68B.32A(7) as alleged in the Allegations of the original Statement of Charges.
2. The report required has been filed.
3. Respondent experienced personally challenging circumstances before and after the required date of filing and has expressed remorse for the late filing.

It is therefore ORDERED PENDING FINAL APPROVAL BY THE Iowa Ethics and Campaign Disclosure Board:

1. The civil penalty assessed for failure to timely file a campaign disclosure report should be waived.

Dated this 9th day of July, 2008

By:

  
Gerald T. Sullivan, Presiding Officer

Pursuant to rule 351—11.26(1), within 14 days after the issuance of this proposed decision either party may serve a statement of exceptions with the proposed decision together with a brief and arguments. An exception shall be served by delivery of the original and five copies of each document to the Board office. A copy of all filings shall also be served on the opposing party. At the time of filing an exception, either party may request oral arguments. If oral arguments are not requested, the Board will rule on the arguments raised in the briefs. If exceptions are not filed concerning this matter the Board will automatically review this proposed decision. The Board's decision on review of a proposed decision is a final agency action. Pursuant to the provisions of 351—11.27, either party may apply for a rehearing from a final order of the Board.

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Proposed Decision and Order of the Presiding Officer was sent by first class mail, address service requested, on July 9, 2008 to:

Jeremy Davis  
711 Beach Avenue  
Ames, Iowa 50014

W. Charles Smithson  
Iowa Ethics & Campaign Disclosure Board  
510 East 12<sup>th</sup>, Suite 1A,  
Des Moines, Iowa 50319

